REMARKS

Applicant has reviewed the Office Action dated April 23, 2003, and the references cited therewith.

Claim 1 is amended and claims 12-15 are canceled without prejudice or disclaimer. Claims 1-11 and 16-39 are now pending in this application.

Affirmation of Election

Applicant herein confirms the provisional election to Group I, claims 1 – 11 and 16 - 39 as made by Mr. Peter Maki on May 14, 2003, in response to the telephonic Restriction Requirement. Applicant makes this election without traverse. Accordingly, claims 12 - 15 are canceled without prejudice or disclaimer. Applicant reserves the right to reintroduce the canceled claims in subsequent divisional applications.

§ 102 Rejection of the Claims

In the Office Action, claims 1 – 3 were rejected under 35 USC § 102(b) as being anticipated by Fishler (U.S. Patent No. 5,930,109).

Claim 1 has been amended to better describe the subject matter recited in the claim. Applicant believes claim 1 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, a capacitor including an aluminum case and a capacitor stack mounted within the aluminum case, the capacitor stack comprising one or more anodes and one or more cathodes, one of the one or more anodes or one of the one or more cathodes attached to the aluminum case, "wherein the case is adapted to be an active anode or cathode layer to functionally service the capacitor stack," as recited in claim 1. The Examiner directs attention to Figure 3 of Fishler for this subject matter. Figure 3 shows cathode tabs 34 attached to a cathode attachment step 52 of housing 14. Fishler states that a cathode lead 54 is directly electrically connected to the housing for connection to the cathodes. (Col. 2, line 51-53). Thus, it appears that in Fishler the case is merely a cathode terminal. However,

Claims 2 and 3 depend from claim 1 and are therefore also not anticipated by the cited reference. Moreover, regarding claim 2, Applicant cannot find in Fishler, "wherein the case is etched and is adapted to be an active cathodic element servicing one or more anodes of the capacitor stack which are adjacent the case." Reconsideration and allowance is respectfully requested.

In the Office Action, claims 4 – 11 and 16 – 39 were rejected under 35 USC § 102(e) as being anticipated by Nielsen et al. (U.S. Patent No. 6,477,037). Notwithstanding the discussion below, Applicant reserves the right to swear behind the cited reference.

Claims 4-7

Applicant submits that claim 4 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, Applicant cannot find in Nielsen et al. a capacitor including an aluminum case having "an etched inner surface," a capacitor stack disposed within the case, the capacitor stack including a plurality of cathode stacks and a plurality of anode stacks, "the cathode stacks electrically coupled with the etched inner surface," and the plurality of anode stacks including "a first anode stack disposed adjacent to the etched inner surface," the first anode stack having "a major surface facing the etched inner surface of the case and having an electrolyte saturated separator disposed between the etched inner surface and the major surface to facilitate charge storage between the etched inner surface and the major surface." The Examiner refers to case 90 of Nielsen et al. as having an etched inner surface. However, Applicant cannot find in Nielsen et al. any discussion of such subject matter.

Claims 5-7 include each limitation of their parent claim and are therefore also not anticipated by the cited reference. Moreover, regarding claim 7, Applicant cannot find in Neilson any discussion of a capacitor wherein "the case comprises at least 98% aluminum." Reconsideration and allowance is respectfully requested.

Claims 8-11

Applicant submits that claim 8 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, Applicant cannot find in Nielsen et al. a method including "etching at least a portion of an inner surface of a capacitor case, the inner surface including an upper inner surface and a lower inner surface," as recited in claim 8.

Claims 9-11 include each limitation of their parent claim and are therefore also not anticipated by the cited reference. Reconsideration and allowance is respectfully requested.

Claims 16-25

Applicant submits that claim 16 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, Applicant cannot find in Nielsen et al. a capacitor assembly including a capacitor stack and a capacitor case sized to receive therein the capacitor stack, the capacitor case including a conductive surface, and "one or more of the anode conductive layers electrically coupled with the conductive surface of the capacitor case." Nielson et al. mention a device where "case 90 and cover 110 are formed of aluminum and are electrically connected to the cathode layers." (Col. 25, lines 36-38). However, Applicant cannot find in Nielson et al. any discussion of the anode conductive layers electrically coupled with the conductive surface of the capacitor case, as claimed.

Claims 17-25 include each limitation of their parent claim and are therefore also not anticipated by the cited reference. Moreover, regarding claim 17, Applicant cannot find in Nielson et al. "wherein the capacitor case comprises an etched capacitor case." Regarding claim 21, Applicant notes that Col. 25 lines 64-67 and col. 26 lines 22-23 discuss joining anode and cathode ferules to the case. Those portions of the disclosure do not mention welding an anode conductive layer to the case, as asserted by the Office Action. Regarding claims 23 and 24, Applicant cannot find "wherein the case comprises at least 98% aluminum," as recited in claim 23, or "wherein the capacitor case comprises an etched capacitor case of at least 99.99%

Claims 26-27

Applicant submits that claim 26 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, Applicant cannot find in Nielsen et al. a capacitor assembly including at least one anode stack including one or more anode conductive layers and an anode separator, a capacitor case sized to receive therein the anode stack, the capacitor case including a inner conductive surface, and "means for electrically coupling the at least one anode stack with the inner conductive surface." Again, Nielson et al. mention a device where "case 90 and cover 110 are formed of aluminum and are electrically connected to the cathode layers." (Col. 25, lines 36-38). However, Applicant cannot find in Nielson et al. any discussion of means for electrically coupling the at least one anode stack with the inner conductive surface, as claimed.

Claim 27 includes each limitation of its parent claim and are therefore also not anticipated by the cited reference. Reconsideration and allowance is respectfully requested.

Claims 28-29

Applicant submits that claim 28 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, Applicant cannot find in Nielsen et al. a capacitor assembly comprising at least one anode stack including one or more anode conductive layers and an anode separator, the one or more conductive layers including an exposed outer anode edge; at least one cathode stack including one or more cathode conductive layers and a cathode separator; "an etched capacitor case" sized to receive therein the capacitor stack, the capacitor case including a conductive surface, and the "exposed outer anode edge electrically coupled with the conductive surface of the capacitor case;" and each of the cathode conductive layers is defined in part by a cathode edge surface, and "each of the anode conductive layers is defined in part by an anode edge surface, and the cathode edge surface is offset from the anode edge surface."

Claim 29 includes each limitation of its parent claim and is therefore also not anticipated

capacitor case comprises [illegible] and is therefore also not anticipated

and allowance is respectfully requested.

Claims 30-39

Applicant submits that claim 30 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, Applicant cannot find in Nielsen et al. a method including "electrically coupling the anode stack with the capacitor case." As noted above, Nielson et al. mention a device where "case 90 and cover 110 are formed of aluminum and are electrically connected to the cathode layers." (Col. 25, lines 36-38). However, Applicant cannot find in Nielson et al. any discussion of electrically coupling the anode stack with the capacitor case, as claimed.

Claims 31-39 include each limitation of their parent claim and are therefore also not anticipated by the cited reference. Moreover, Applicant cannot find in Nielson et al. "etching an inner surface of the capacitor case," as recited in claim 31. Reconsideration and allowance is respectfully requested.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612-359-3267) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O.Box 1450, Alexandria, VA 22313-1450, on this 25 day of August, 2003.

Name

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